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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,616

08/09/2006

George F. Vande Woude

28927.0018

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277 7590 10/04/2010
PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

EXAMINER

GODDARD, LAURA B

ART UNIT

PAPER NUMBER

1642

MAIL DATE

DELIVERY MODE

10/04/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10563616	8/9/2006	VANDE WOUDE ET AL.	28927.0018

PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

EXAMINER

LAURA B. GODDARD

ART UNIT	PAPER
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1642	3
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DATE MAILED:

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Commissioner for Patents

The amendment filed on July 21, 2010 withdrawing all claims drawn to the elected and examined invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The presented claims are not readable on the elected invention because they are drawn to the distinct invention of non-elected Group II.

Applicants state in their remarks that there was a misunderstanding over the phone regarding the invention elected over the phone and that Applicants want to prosecute the claims of Group II, not Group I. Examiner disagrees that there was a misunderstanding and Applicants clearly elected Group I by phone, and the claims were examined accordingly. This is further evidenced by the fact Applicants elected species drawn to administration of specific agents and not to species of agents comprised in a composition. Applicants already received a first action on the merits for their elected invention and cannot change the invention or withdraw all examined claims after receiving an action on the merits for their elected invention. All of Applicants' arguments in the remarks are drawn to the non-elected invention and do not address the rejected and examined claims. Applicants' response is therefore non-responsive. Applicants have the right to pursue non-elected inventions in divisional applications.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Goddard, whose telephone number is (571) 272-8788. The examiner can normally be reached on 7:00am-3:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Misook Yu can be reached on 571-272-0839. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

/Laura B Goddard/
Primary Examiner, Art Unit 1642

